

SENATE BILL 1268
By Ramsey

AN ACT to amend Tennessee Code Annotated, Title 33,
Chapter 6, Part 9, relative to transportation of
mentally ill persons.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 33-6-901, is amended by deleting
such section in its entirety and by substituting instead the following:

Section 33-6-901.

(a) A person with mental illness or serious emotional disturbance who is to be
transported under part 4 or 5 of this chapter, shall be transported by:

(1) A secondary transportation agent under this section;

(2) A municipal law enforcement agency that meets the requirements for
a secondary transportation agent under this section and is designated by the
sheriff;

(3) An emergency services provider licensed pursuant to title 68, chapter
140, part 5;

(4) A person authorized under other provisions of this title; or

(5) One or more friends, neighbors, other mental health professionals
familiar with the person, relatives of the person, or a member of the clergy.

The sheriff may designate a secondary transportation agent or agents for the county for
persons with mental illness or serious emotional disturbance whom a physician or
mandatory prescreening authority has evaluated and determined do not require physical
restraint or vehicle security. A secondary transportation agent shall be available twenty-
four (24) hours per day, provide adequately for the safety and security of the person to

be transported, and provide appropriate medical conditions for transporting persons for involuntary hospitalization. The sheriff shall take into account in designating a secondary transportation agent or a municipal law enforcement agency both its funding and the characteristics of the persons who will be transported. The sheriff shall consult with the county mayor before designating a secondary transportation agent. The designation of a transportation agent is a discretionary function under § 29-20-205. If a mandatory prescreening agent, physician, or licensed psychologist with health service provider designation, who is acting under § 33-6-404(3)(B), determines that the person does not require physical restraint or vehicle security, then any person identified in subdivision (a)(5) may transport the person at the transporter's expense.

(b) Transportation of persons to be involuntarily hospitalized is the responsibility of the county in which the person is initially detained. The secondary transportation agent providing transportation may bill the county of residence for transportation costs.

(c) The department shall provide training on mental health crisis management for transportation agents.

SECTION 2. This act shall take effect July 1, 2005, the public welfare requiring it.